

Legislative Digest

Week of May 1, 2000

Vol. XXIX, #11, April 28, 2000

J.C. Watts, Jr.
Chairman
4th District, Oklahoma

Monday, May 1

The House will not be in session.

Tuesday, May 2

*The House Meets at 12:30 p.m. for Morning Hour and 2:00 p.m. for Legislative Business.
(No votes before 6:00 p.m.)*

** 11 Suspensions

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Wednesday, May 3, and the Balance of the Week

*On Wednesday-Friday, The House Meets at 10:00 a.m. for Legislative Business.
(On Friday No Votes Are Expected Past 2:00 p.m.)*

** 6 Suspensions

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⇒ To be published in a future issue of the *Legislative Digest*

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Recognizing and Commending our Nation's Federal Workforce for Successfully Preparing Our Nation to Withstand Y2K

H.Con.Res. 300

Committee on Government Reform
No Report Filed
Introduced by Mrs. Morella *et al.* on April 6, 2000

Floor Situation:

The House is scheduled to consider H.Con.Res. 300 under suspension of the rules on Tuesday, May 2, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.Con.Res. 300 recognizes and commends the service of our nation's federal workforce, and all those who assisted in the efforts to successfully address the Year 2000 computer challenge. The Year 2000 computer problem (Y2K), created the potential of an international problem, causing some computer systems to misinterpret the '00' in the year as 1900, rather than 2000. In the spring of 1996, a series of congressional Y2K hearings were held and it was determined that unless appropriate action was taken, the Y2K problem could cause severe consequences on the successful operation of federal systems. The preparation involved for the Y2K problem led to solving the problem, improved system inventories and network reliability, and has accelerated electronic business and international cooperation.

Committee Action:

The resolution was not considered by a House committee.



Christina Carr, 226-2302

Federal Contractor Flexibility Act of 2000

H.R.3582

Committee on House Government Reform

No Report Filed

Introduced by Mr. Davis (VA) *et al.* on February 8, 2000

Floor Situation:

The House is scheduled to consider H.R. 3582 under suspension of the rules on Tuesday, May 2, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3582 restricts the use of mandatory minimum personnel experience and educational requirements in the procurement of information technology goods or services unless sufficiently justified. Specifically the bill: (1) requires the Federal Acquisition Regulation (FAR) to be amended to address the use of personnel experience and educational requirements in the procurement of information technology goods and services; (2) requires that the amendments to the FAR not set forth any minimum personnel experience or educational requirements for proposed contractor personnel unless the contracting officer determines that the needs of the agency cannot be met without any such requirement and the basis for that determination must be explained in writing; and (3) requires the Comptroller General to submit to Congress an evaluation of agency compliance with requirements set forth in such amendment, together with recommendations.

The federal government is the largest purchaser of information technology in the world, but under current law those who do not hold college degrees cannot perform information technology work for many federal agencies. Requiring federal agencies to justify the use of credential requirements frequently written into government contracts will help reduce one of the leading causes of the country's information technology worker shortages. Often certificates and degrees are not always a good indication of ability in information technology skills because many companies train workers as technology evolves.

Committee Action:

The Government Reform Committee reported the bill by a voice vote on April 5, 2000.



Christina Carr, 226-2302

Minidoka Reclamation Project

H.R. 3577

Committee on Resources

No Report Filed

Introduced by Mr. Simpson *et al.* on February 3, 2000

Floor Situation:

The House is scheduled to consider H.R. 3577 under suspension of the rules Tuesday, May 2, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3577 increases the amount to be appropriated for the North Side Pumping Division of the Minidoka reclamation project in Idaho. The existing well field, which is used for project drainage, is being closed to improve the underlying aquifer. Minidoka Dam is a combined diversion, storage, and power structure located just south of Minidoka, Idaho. The North Side Pumping Division consists of some 77,000 acres of irrigable public land. The A & B Irrigation District, (operating agency of the North Side Pumping Division) in conjunction with the Bureau of Reclamation, has undertaken a program to enhance wetlands. The purpose of this program is to address the quality of runoffs, both natural and irrigation return flows, that are injected into the aquifer by drainage wells, and to provide wildlife habitat and to allow reuse. Wetlands naturally filter water as it flows through the vegetation and provides a mechanism for increased natural recharge. Several wetland projects are completed and others are on-going.

Committee Action:

The Resources Committee reported the bill by a voice vote on April 5, 2000.



Christina Carr, 226-2302

Golden Spike/Crossroads of the West National Heritage Area Act of 1999 H.R. 2932

Committee on Resources
H.Rept. 106-584
Introduced by Mr. Hansen on September 23, 1999

Floor Situation:

The House is scheduled to consider H.R. 2932 under suspension of the rules on Tuesday, May 2, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 2932 establishes the Golden Spike/Crossroads of the West National Heritage Area to recognize the cultural heritage and importance of linking the United States by rail. The bill directs the Secretary of the Interior to study the feasibility of establishing a National Heritage Corridor from Ogden to Promontory Point, Utah. The bill designates Ogden as the area's management entity and requires that an Area management plan must be submitted by the city to the Secretary within three years after enactment of this measure. The bill also requires the city, in preparation for the management plan, to consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations within the area. The Secretary is prohibited from making any grants or providing any assistance after September 30, 2016. Appropriations are authorized at no more than \$1 million for any fiscal year and \$5 million total. Federal funding cannot exceed 50 percent of the cost of any activities carried out under H.R. 2932.

Background:

The culture of Utah's railway industry is of national interest. Its contributions to America's industrial growth were a major part of expansion into the West. Areas of Northern Utah including Ogden, linked the nation by rail at a point known as the Crossroads of the West. The economic strength of the United States has continued to rely heavily on the intercontinental railway for many decades. The intercontinental railway at the Crossroads of the West has a unique social history and reflects a cultural tradition of many generations deserving of designation as a national heritage area.

Costs/Committee Action

CBO estimates that implementing H.R. 2932 would cost the federal government \$5.25 million over the 2001-2005 period. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The Committee on Transportation and Infrastructure reported the bill by voice vote on April 5, 2000.



Sam Shaw, 226-2302

Endangered Species Act Reports Restoration Act

S. 1744

Committee on Environment and Public Works
S.Rept. 106-174
Introduced by Senator Chafee October 18, 1999

Floor Situation:

The House is scheduled to consider S. 1744 under suspension of the rules on Tuesday May 2, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

S. 1744 restores certain reporting requirements for agencies under Section 18 of the 1973 Endangered Species Act (ESA) that would otherwise be eliminated as part of the Federal Reports Elimination and Sunshine Act of 1995 (P.L. 104-66). Section 3003 of that Act eliminated thousands of reports that had been required by the Congress. The 1995 Act provided for a sunset date of December 21, 1999. Section 236 of the Omnibus Appropriations Act for fiscal year 2000 (P.L. 106-113) extended this deadline until May 15, 2000. While the Federal Reports Elimination and Sunshine Act will reduce unnecessary paperwork and reduce agency expenditures, it also inadvertently deleted the requirement for certain reports that the committee believe necessary to carry out its oversight responsibilities and to provide information vital to continuing a sound environmental policy. S. 1744 corrects this by providing that the 1995 Act does not apply to the Section 18 report of the ESA. This will affect a small percentage of the total number of reporting requirements eliminated by the Federal Reports Elimination and Sunshine Act.

The Section 18 report that will be exempted requires the Fish and Wildlife Service to annually report to Congress on “reasonably identifiable” expenditures for the conservation of threatened and endangered species. Under Section 18 of the ESA all federal agencies and states receiving grants under Section 6 of the ESA are required to provide information for the Section 18 report. This report is used, among other things, to determine where inadequate resources are affecting conservation efforts.

Costs/Senate Action

The CBO estimates that this legislation will have no significant impact on federal spending.

The Senate passed the bill by unanimous consent on March 27, 2000 and it was held at the desk in the House.



Greg Mesack 226-2305

Disabled Veterans' LIFE Memorial Foundation

H.R. 1509

Committee on Resources
H.Rept 106-583
Introduced by Mr. Johnson on April 21, 1999

Floor Situation:

The House is scheduled to consider H.R. 1509 under suspension of the rules on Tuesday, May 2, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

There are nearly 2.3 million disabled veterans in the United States who have fought in foreign conflicts and wars. Although these men and women veterans are honored on Memorial and Veterans Days, there is no specific memorial of commemoration to those veterans who were disabled during these conflicts.

H.R. 1509 authorizes the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States. The bill ensures that establishment of the memorial shall be in accordance with the Commemorative Works Act. Disabled Veterans' LIFE Memorial Foundation is solely responsible for the acceptance of contributions for, and payment of the expenses of the establishment of the memorial.

Costs/ Committee Action:

CBO estimates that H.R. 1509 will have no significant impact on the federal budget.

The Committee on Resources reported the bill by a voice vote on April 5, 2000.



Christina Carr, 226-2302

Centennial Raising of the American Flag in American Samoa

H.Res. 443

Committee on Resources

H.Rept. 106-582

Introduced by Mr. Faleomavaega *et al.* on March 16, 2000

Floor Situation:

The House is scheduled to consider H.Res. 443 on Tuesday May 2, 2000 under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.Res. 443 recognizes the historical significance of the centennial raising of the American flag over the United States Territory of American Samoa. The bill also reaffirms the United States commitment to improved self-governance, economic development and expansion of domestic commerce for the United States citizens and nationals of American Samoa.

Background:

The United States first made contact with the Samoan Islands in 1839 as a part of a congressionally authorized Naval Expedition to the South Pacific, led by Commander Charles Wilkes. From this expedition a number of agreements and treaties were formed that resulted in President McKinley issuing an executive order on February 19, 1900 placing the Eastern group of Samoan islands under the control of the Department of the Navy. This order required the Navy Secretary to take the necessary steps to establish the authority of the United States and give the islands protection.

On April 17, 2000 the leaders of the islands of Tutuila and Aunu'u signed instruments of cession to the United States, and the United States flag was raised at the United States Naval Station. Roughly four years later the king of Manu'a and the chiefs of the Manu'a islands that now comprise the easternmost islands of American Samoa signed the last instrument of cession. In 1929 Congress recognized these acts of cession in law and delegated the authority for the administration of the islands to the President of the United States.

Cost/Committee Action:

H.Res. 443 was reported by voice vote from the Resources Committee on April 13, 2000.

Greg Mesack 226-2305

Hmong Veterans' Naturalization Act

H.R. 371

Committee on the Judiciary
H.Rept. 106-563
Introduced by Mr. Vento on January 1, 1999

Floor Situation:

The House is scheduled to consider H.R. 371 under suspension of the rules on Tuesday, May 2, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority for passage.

Summary

H.R. 371 waives the English language requirement and provides special consideration for the civics requirement for the naturalization of an alien who: (1) was admitted into the United States as a refugee from Laos, and who served with a Laotian-based special guerilla or irregular unit in support of U.S. forces at any time from February 28, 1961, through September 18, 1978; or (2) was similarly admitted as a refugee and was the spouse of such an alien at the time of (such alien's) application for refugee admission.

The measure also requires the documentation of qualifying service in the form of: (1) original documents; (2) an affidavit by the person's superior officer; (3) two affidavits by individuals who served with such units and personally knew of the person's service; or (4) other appropriate proof. In addition, the bill directs the Attorney General to request a military service advisory opinion from the Secretary of Defense and to consider certification prepared by the Lao Veterans of America, Inc. (or other similar organization maintaining records of Hmong veterans or their families) in determining eligibility for exemption or special consideration to review documentation.

Finally, the measure requires applications for naturalization benefits under this Act to be filed with appropriate fees no later than 18 months after enactment of this bill, and limits the total number of aliens who may be granted such naturalization benefits to 45,000.

Background:

The Hmong are a mountain people from southern China and northern areas of Burma, Laos, Thailand, and Vietnam. Beginning in the 1950's, Hmong soldiers fought the Communist Pathet Lao movement in Laos, and some Hmong later assisted U.S. forces during the Vietnam War. After the war ended in 1975, the Pathet Lao gained control of Laos and persecuted and imprisoned many of the Hmong allies of the United States (between 130,000 and 150,000 Laotian Hmong have entered the U.S. as refugees since 1975).

The Hmong fought with American forces and performed critical roles in dangerous missions. A former CIA officer stated to the Subcommittee on Immigration and Claims that Laotian soldiers "[t]hroughout the war, CIA's paramilitary forces collected intelligence, used it in combat operations to tie down some 50,000

North Vietnamese forces in Laos, rescued downed American pilots and protected sensitive American installations at remote mountain tops.” The Hmong also guarded LIMA Site 85, one of America’s most important intelligence gathering sites during the Vietnam War. Close to the border of North Vietnam, this site allowed the United States to “look-down” electronically, on targets in Hanoi, the Red River Valley, and the Ho Chi Minh trail.

Many Hmong refugees have found it difficult to naturalize because they could not learn English. This is due to the fact that they came from a tribal society that was, until recently, without a written language (communication is almost solely verbal and pictorial). Also, many Hmong were recruited to be guerrillas between the ages of 12-14 and, therefore, did not attend school. In order to be naturalized, permanent residents must demonstrate an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language.

Similar legislation passed the House in the 104th Congress.

Costs/Committee Action

CBO estimates that implementing this legislation will cost less than \$500,000 annually over the next two years.

The Judiciary Committee passed the bill by voice vote on March 30, 2000.



Brendan Shields, 226-0378

IDEA Full Funding Act of 2000

H.R. 4055

Committee on Education and Workforce

H.Rept. 106-____

Introduced by Mr. Goodling *et al.* on March 22, 2000.

Floor Situation:

The House is scheduled to consider H.R. 4055 under suspension of the rules on Tuesday, May 2, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 4055 amends the Individuals with Disabilities Education Act (IDEA) to (1) authorize funding to reach the federal government's goal of providing 40 percent of the national average per pupil expenditure to assist states and local educational agencies with the excess costs of educating children with disabilities; and (2) authorize appropriations for IDEA part B programs of assistance for education of all children with disabilities, starting at \$7 billion in FY 2001 and increasing \$2 billion annually through FY 2010 to a level of \$25 billion, and such sums as may be necessary for each subsequent fiscal year.

As enacted in 1975, the Individuals with Disabilities Education Act (IDEA) serves to provide federal funds to the states to assist them in providing an education for children with disabilities. While Congress committed to contribute up to 40 percent of the average per pupil expenditure of educating children with disabilities, the federal government has failed to meet this commitment to assist states and localities. To date the federal government has never contributed more than 12.6 percent of the national average per pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act. Failing to meet the federal government's commitment to assist with the excess expense of educating a child with disability undermines the goal of ensuring that children with disabilities receive a quality education.

Costs/Committee Action:

A CBO cost estimate was unavailable at press time.

The Committee on Education and the Workforce reported the bill by a voice vote on April 12, 2000.



Eileen Harley, 226-2302

To Improve the Program for American Indian Tribal Colleges and Universities

H.R. 3629

Committee on Education and the Workforce

No Report Filed

Introduced by Mr. Green *et al.* on February 10, 2000

Floor Situation:

The House is scheduled to consider H.R. 3629 on Tuesday May 2, 2000 under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3629 makes several amendments to Sections 316 and 317 of Part A of Title III of the Higher Education Act of 1965. Sections 316 and 317 are small pools of grant money for American Indian Tribal Colleges (section 316) and Native Hawaiian and Alaskan institutions (section 317). These changes direct the Secretary of Education to prescribe regulations that will simplify and streamline the format for program grant applications so that they take into account the limited number of Tribal Colleges available for such assistance. The bill also prohibits any tribal college or university, Alaskan native or Hawaiian institution that receives such program funds from concurrently receiving funds under other provisions of Part A or B of the Higher Education Act.

Other changes made by H.R. 3629 include exempting tribal colleges from the two year wait-out-period in order to be eligible for an additional grant and directs the Secretary of Education to ensure maximum equitable distribution among all eligible institutions when awarding grants.

Background:

The American Indian Tribally Controlled Colleges and Universities Institutional Development grant program was created in 1998 when Congress re-authorized the Higher Education Act (HEA). Title III of the HEA is administered by the Department of Education and is designed to help institutions expand educational opportunities for low-income and minority students while strengthening academic institutions' academic quality and financial stability.

Part A of Title III of the HEA addresses strengthening academic institutions by issuing two kinds of competitive grants, a 5-year development grant and a 1-year planning grant. There are a number of requirements an institution must meet in order to qualify for these funds. The five-year grants have a two-year wait-out-period following each grant. Because of the limited number of tribal colleges in the United States, H.R. 3629 would waive this point for them and instead instruct the Secretary of Education to distribute funding widely among Tribal Colleges. Part B of Title III is targeted specifically at strengthening historically

black colleges and universities.

The American Indian Tribally Controlled Colleges and Universities program was first authorized in FY 1999 at \$10 million and \$3 million was appropriated. In FY 2000 the program was funded at \$6 million, and the President's FY 2001 budget requests \$9 million. In FY 1999 16 tribal colleges applied for grants; eight received grants. In order to be able to receive competitive grants institutions must be eligible under the Tribally Controlled College or University Assistance Act of 1978 or be listed in the Equity in Educational Land Grant Status Act of 1994. Currently there are 32 Tribal Colleges in the United States. The supporters of the bill assert the changes made by the bill to Title III will be beneficial to the institutions eligible under sections 316 and 317 by ensuring that monies distributed under the act will reach the largest number of tribal colleges and universities.

Costs/Committee Action:

At press time a CBO cost estimate was not available.

The Education and Workforce Committee reported the bill by voice vote on April 12, 2000.



Greg Mesack 226-2305

Supporting a National Charter Schools Week

H.Con.Res. 310

Committee on Education and the Workforce

No Report Filed

Introduced by Mr. Roemer *et al.* on April 13, 2000

Floor Situation:

The House is scheduled to consider H.Con.Res. 310 under suspension of the rules on Tuesday May 2, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.Con.Res. 310 acknowledges and commends the charter school movement for its contribution to improving our Nation's public school system and expresses the sense of Congress that a national charter schools week should be established. The resolution also expresses the sense of Congress that the President should call on the people of the United States to conduct appropriate activities to demonstrate support for charter schools throughout the Nation.

Background:

Charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parent flexibility, choice, and autonomy. In exchange for the autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations. Thirty-six states, the District of Columbia, and Puerto Rico have all passed laws authorizing charter schools that are currently serving approximately 350,000 students. Charter schools in many states serve students with lower incomes, students of color, and students with disabilities. Charter schools have enjoyed broad bipartisan support from Congress, the administration, state governors and legislatures, educators, and parents.

Committee Action:

The resolution was not considered by a House committee.



Christina Carr, 226-2302

Southeast Federal Center Public-Private Development Act

H.R. 3069

Committee on Transportation and Infrastructure

H.Rept. 106-591

Introduced by Mr. Franks on October 13, 1999

Floor Situation:

The House is scheduled to consider H.R. 3069 under suspension of the rules on Wednesday, May 3, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3069 authorizes the Administrator of the General Services Administration (GSA) to enter into agreements with private entities to acquire, construct, rehabilitate, maintain or use facilities located on the Southeast Federal Center located in Washington, D.C. The bill also requires any such agreement to be consistent with the objectives of a plan outlined by the National Capital Planning Commission. It requires the Administrator to report to specified congressional committees before entering into a final agreement. In addition, the measure also requires a 30-day waiting period after such submission before the agreement may become effective. Finally, any proceeds under an agreement are to be deposited into the Federal Buildings Fund established under the Federal Property and Administrative Services Act of 1949.

Background:

The Southeast Federal Center is close to many federal government agencies, just one mile from the United States Capitol. The Southeast Federal Center is bordered by the Anacostia River on the south and the Navy Yard to the east. Light industrial development lies to the north and west of this 55.3-acre site. The area surrounding the Southeast Federal Center contains a mix of industrial, warehouse and automotive uses in addition to public and private housing. In the past five years, the Department of the Navy has moved several functions to the Navy Yard, resulting in an increase of more than 5,000 naval personnel.

The Southeast Federal Center has remained underutilized and its buildings have deteriorated. There is a federal presence, but it is mostly used for maintenance, motor pool, Federal Protective Service use, warehousing, storage, printing and security needs in addition to inaugural activities once every four years. In 1989, the GSA commissioned a plan that called for the development of 5 million square feet of office space. However, this plan was not implemented because funds were rescinded and reprogrammed. In 1996, Congress appropriated \$20 million for environmental restoration of the area. Congress subsequently appropriated an additional \$10 million to complete the work. The work involved the demolishing of buildings, installation of a seawall, cleaning contaminated soils, replacing the

original seawall and cleaning the stormwater sewer.

Costs/Committee Action:

CBO cannot estimate the budgetary impact of H.R. 3069. The bill could affect direct spending (including offsetting receipts), so pay-as-you-go procedures would apply.

The Committee on Transportation and Infrastructure reported the bill by voice vote on March 23, 2000.



Sam Shaw, 226-2302

Long Island Sound Restoration Act

H.R. 3313

Committee on Transportation and Infrastructure

H.Rept. 106-____

Introduced by Ms. Johnson (CT) on November 10, 1999

Floor Situation:

The House is scheduled to consider H.R. 3313 under suspension of the rules on Wednesday, May 3, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3313 reauthorizes funding for the Long Island Sound program and authorizes up to \$80 million per year for grants and studies to implement the Comprehensive Conservation and Management Plan (CCMP) for fiscal years 2000-2003. The bill also requires EPA's Long Island Sound Office to assist and support a nitrogen credit trading program (to meet a 58.5 percent nitrogen load reduction in a cost-effective manner) and any other cost-effective measures consistent with the CCMP. This assistance and support is to be provided under the existing authorities for the Clean Water Act, the laws of New York and Connecticut, and any other amendments to such authorities or laws. In addition, the bill authorizes states to provide additional financial relief to designated distressed communities from a state's clean water state revolving fund. This additional subsidy may include forgiving principal loans. The total amount of loan subsidies made by a state may not exceed 30 percent of the amount of the capitalization grant received by the state for the year.

Background:

More than 8 million people live within the Long Island Sound watershed. Studies estimate the sound generates more than \$5 billion a year for the regional economy from boating, swimming, commercial and sport fishing, among other activities. The Long Island Sound, like many estuaries across the U.S., supports multiple uses and demands, and provides habitat for a multitude of fish and wildlife species. Increasing population growth and development have led to water quality problems arising from increased nonpoint source pollution from stormwater and agricultural runoff, wastewater discharges with high nitrogen levels, industrial pollution, and commercial and recreational waste. An estimated \$1 billion will be needed over the next 20 years to address the environmental and public health problems in the sound.

Long Island Sound is one of the estuaries in EPA's National Estuary Program (NEP) and EPA approved its comprehensive conservation and management plan (CCMP) in September 1994. NEP funding for the Long Island Sound has been approximately \$300,000 annually the past several years. Section 119 of the Clean Water Act, added in 1990, established the EPA Long Island Sound Program Office in the vicinity of the sound for the purposes of carrying out the CCMP, coordinating federal and regional Long Island Sound activities, conducting studies, and supporting the management conference, among other activities.

EPA funding for the Long Island Sound office was \$700,000 in 1997 increasing to \$975,000 in 2000.

Costs/Committee Action:

CBO estimates that implementing H.R. 3313 will cost \$237 million through FYs 2000-2005. The bill does not affect direct spending or receipts so pay-as-you-go procedures do not apply.

The Transportation and Infrastructure Committee reported the bill by voice vote on April 5, 2000.



Christina Carr, 226-2302

Designation of Federal Facilities

H.R. 1729, H.R. 1405, H.R. 1901

Committee on Transportation and Infrastructure
H.Rept. 106-586, H.Rept. 106-587 and H.Rept. 106-589

Floor Situation:

The House is scheduled to consider H.R. 1729, H.R. 1405 and H.R. 1901 on Wednesday May 3, 2000 under suspension of the rules. Each is debatable for 40 minutes, may not be amended and require two-thirds majority vote for passage.

Summary:

H.R. 1729 designates the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the Pamela B. Gwin Hall. Pamela B. Gwin began her 15-year tenure at the Federal Executive Institute in 1983 as a faculty member. She received her Ph.D. in Political Science from Duke University, and was a member of the American Political Science Association, Organization of American Historians, Southern Historical Association, American Society for Public Administration and also active in the American Society for Training and Development and the Center for the Study of the Presidency. Dr. Gwin taught public policy, sharing her interest in politics and the presidency. In 1987, she became Assistant Director of Academic Programs and implemented the plan and operation of the Leadership for a Democratic Society Program. In addition to being a prominent professor, Dr. Gwin influenced the elegant design of the Virginia Study, the Alumni Lounge and the design and furnishing of the new Annex and library. Dr. Gwin continued to work for two years after receiving a heart transplant in 1996. Dr. Gwin died in 1998. H.R. 1729 was introduced by Mr. Goode on May 6, 1999.

H.R. 1405 designates the Federal building located at 143 West Liberty Street, Medina, Ohio, as the Donald J. Pease Federal Building. Don Pease was born in Oberlin, Ohio in 1931. Mr. Pease received his B.S. in 1953 and M.A. in 1955 from the University of Ohio in Athens. Congressman Pease was a Fulbright scholar and continued his studies at Kings College, University of Durham, England. Mr. Pease served in the United States Army from 1955 until 1957. After his service in the military, he returned to Ohio and worked for the Oberlin News-Tribune. Congressman Pease was first elected to public office in 1962 as a member of the Oberlin City Council. In 1964, he was elected to the Ohio Senate. He served in the Ohio Senate from 1965 until 1976, when he was then elected to the 95th Congress. Congressman Pease was a member of the House International Relations Committee and advocated human rights. Five years later Mr. Pease secured a seat on the Ways and Means Committee. In the 102nd Congress, he earned one of three seats on the Budget Committee reserved for Ways and Means members. His efforts to work with both parties include service on the conference committee for the tax reform bill of 1986, and mediation between congressional leaders and the Administration during the 1990 budget summit. After leaving Congress, Congressman Pease served as Visiting Distinguished Professor in Oberlin College's Department of Politics. H.R. 1405 was introduced by Mr. Brown April 14, 1999.

H.R. 1901 designates the U.S. border station located in Pharr, Texas, as the Kika de la Garza United States Border Station. Kika de la Garza was born in Mercedes, Texas, on September 22, 1927. He attended St. Mary's University in San Antonio, Texas, earning his law degree in 1952. He also served in the United States Navy from 1945 to 1946, and in the United States Army from 1950 to 1952. Congressman de la Garza was elected to the Texas House of Representatives in 1953. In 1965, he was elected to the U.S. House of Representatives. He served the 15th Congressional District of Texas for 16 terms. Congressman de la Garza became a member of the Committee on Agriculture when he was elected to Congress in 1965. He served as chairman of the committee from 1981 to 1994. Congressman de la Garza was the first Hispanic American to serve as the chair of a major Congressional committee. As chairman, he compiled an impressive record of achievements and focused on issues concerning America's farming community. Under his leadership the Agriculture Committee was able to form a consensus on a number of important agriculture issues, including restructuring the United States Department of Agriculture. H.R. 1901 was introduced by Mr. Traficant on May 20, 1999.

Committee Action:

The Committee on Transportation and Infrastructure reported these three bills by voice vote on April 11, 2000.



Sam Shaw, 226-2302

The Worker Economic Opportunity Act

S. 2323

Committee on Education and the Workforce

No Report Filed

Introduced by Senator McConnell on March 29, 2000

Floor Situation:

The House is scheduled to consider S. 2323 on Wednesday, May 3, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

The Senate bill amends current law to allow employees eligible for overtime pay to receive stock options in their company the same as upper level management has enjoyed for decades. More specifically, the bill amends the Fair Labor Standards Act of 1938 to exclude any profits made from the exercise of stock options by employees from the regular pay of hourly employees. This change in current law permits all employees to participate fairly in stock purchase plans offered by many companies.

Background:

Employers in today's economy are increasing their use of equity devices to allow employees to share in the ownership of publicly held companies. They serve as tools to attract and retain employees in an era of low unemployment and explosive job growth, especially in the technology information sector. These equity ownership programs come in many types and formats. S. 2323 focuses on the most common types: stock option, stock appreciation rights, and employee stock purchase programs.

Under stock option programs, employees are granted certain rights to purchase securities of the company under various conditions like exercising the purchase when the stock reaches a certain value, after a vesting period or the right to exchange options for the actual stock. Many employees may not have the available cash to purchase stock when their exercise rights vest, so employers are permitted to lend the employee money to buy the stock (called a "cashless" exercise), then turn around and sell it keeping the difference between the market price and exercise price of the stock. Other programs grant employees stock appreciation rights (SARs) that operate similarly to stock options. The employee is given the right to receive the underlying cash value of the stock. This method is used where the stock is listed on a foreign exchange or where regulatory or financial barriers make an outright grant of stock impossible.

The Fair Labor Standards Act (FLSA) establishes workplace protections for employees including those receiving a minimum hourly wage and overtime compensation. A major protection of the law is the requirement that employers pay its nonexempt employees overtime for all hours worked over 40 in a week at one and one-half times the regular rate of pay. The regular rate includes "all remuneration" paid to the employee. However, section 207(e) of the FLSA excludes certain payments from the regular rate of pay

like holiday bonuses, thrift sharing plans, savings plans, retirement, life, accident or health or similar benefits plans. Congress also decided that the value and income from stock options, SAR or other programs should also be excluded from the regular rate so employees could share in the future success of their companies.

In February, 1999, the Wage and Hour Division of the U.S. Department of Labor issued an advisory opinion regarding stock options that concluded that one stock option program of an employer did not meet any of the existing exemptions to the regular rate because it required employees to do something as a condition of receiving the stock options—remain employed with the company for a period of time. This conditioning of the stock option benefit is not allowed under the current regular rate exclusions. Thus, S. 2323 amends section 207(e) of the FLSA to clearly exclude stock option programs from the regular rate of pay provision and provides a safe harbor to employers so they will not be subject to liability because of any stock options or similar programs extended to employees in the past.

Costs/Committee Action:

A CBO cost estimate was not available at press time.

The bill passed the Senate on April 12, 2000 by a vote of 95-0. It was held at the desk of the House. The bill is identical to H.R. 4182, introduced by Mr. Cunningham on March 29, 2000.



Eric Hultman, 226-2304

Lake Pontchartrain Basin Restoration Act of 1999

H.R. 2957

Committee on Transformation and Infrastructure

H.R. 106-____

Introduced by Mr. Vitter on September 27, 1999

Floor Situation:

The House is scheduled to consider H.R. 2957 on Wednesday, May 3, 2000. The Rules Committee is scheduled to meet on the bill at 5:00pm on Tuesday, May 2, 2000. Additional information on the rule and potential amendments will be provided in *Floor Prep* prior to floor consideration

Summary:

H.R. 2957 amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to establish a program for water quality restoration activities in Lake Pontchartrain Basin, Louisiana. The Administrator of the Environmental Protection Agency (EPA) is required to establish a Lake Pontchartrain Basin Restoration Program to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects. Lake Ponchartrain Basin is identified as an estuary of national significance under the EPA's National Estuary Program and the EPA is required to provide administrative and technical assistance to a management conference for the Basin convened under the National Estuary Program in section 320 of the Clean Water Act.

Finally, the measure authorizes appropriations to continue to supply priority funding for the New Orleans Inflow and Infiltration Project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana and to carry out this Act.

Background:

Spanning a 5000 square mile area including 16 Louisiana parishes and four Mississippi counties, the Lake Pontchartrain Basin is considered the most heavily populated area in Louisiana. The basin, combined with Lake Borgne and Maurepaus encompasses one of the largest estuaries in the U.S., thriving with numerous species of fish, birds, mammals and plants. It also provides a vast amount of the seafood harvested in the Gulf Coast which adds \$35 million dollars to the local economy. An increase in population, urbanization and negative land use changes in recent years have contributed to increased environmental degradation of the entire watershed. Since the 1960's Lake Pontchartrain's south shore has been closed for swimming and other recreational activities. For the past twenty years several rivers, tributaries and lakes in the watershed failed to meet their "designated uses" under the Clean Water Act.

Costs/ Committee Action:

CBO estimates that H.R. 2957 will cost \$108 million through FYs 2001-2005. The bill does not affect direct spending or receipts so pay-as-you-go procedures do not apply.

The Transportation & Infrastructure Committee reported the bill by voice vote on April 11, 2000.



Eileen Harley 226-2302

Florida Keys Water Quality Improvements Act of 1999

H.R. 673

Committee on Transportation and Infrastructure
 No Report Filed
 Introduced by Mssrs. Deutsch and Clay, February 10, 1999

Floor Situation:

The House is scheduled to consider H.R. 673 during the week of May 1, 2000. The Rules Committee will meet to consider a rule on this measure prior to its consideration on the floor. Additional information on the rule and any amendments made in order will be provided in *FloorPrep* prior to floor consideration.

Summary:

H.R. 3767 authorizes the Administrator of the Environment Protection Agency to make federal funds available on a matching basis for projects designed to replace inadequate wastewater treatment and stormwater management systems in Monroe County, Florida. The federal funds authorized under the bill supplement those committed by the State of Florida and Monroe County for planning and construction of these projects.

Background:

The Florida Keys are a chain of islands off the southern coast of Florida that include North America's only living coral barrier reef ecosystem. This area has national significance and was so recognized by enactment of the Florida Keys National Marine Sanctuary and Protection Act (P.L. 101-605 and P.L. 102-587). This act directed that EPA and the State of Florida develop a comprehensive water quality protection program for the sanctuary and to recommend corrective actions to restore and maintain the biological integrity of the ecosystem in the Florida Keys area designated as a national marine sanctuary.

A Technical Advisory Committee made up of scientists from the federal and state agencies, academic institutions, private nonprofit entities and local citizens concluded that dilapidated and inadequate wastewater treatment and stormwater management systems were the largest manmade sources of pollution threatening the water quality offshore of the Florida Keys and in the sanctuary. The costs of making the necessary infrastructure improvements to the wastewater systems have been estimated to be between \$184 million and \$418 million and for the stormwater systems between \$370 million and \$680 million depending in each case on the percentage reduction in loadings to be achieved and which areas to be selected for retrofits. The costs of these improvements represent an overwhelming financial burden to the 85,000 permanent residents of Monroe County, Florida.

The bill authorizes \$32 million for the first fiscal year, \$31 million for the second year and \$50 million for the next three fiscal years. The bill contains a cost-share requirement that no less than 25 percent of the

total project cost is to be provided by non-federal sources, and requires a viability assessment with regard to growth management policies within Monroe County, Florida.

Costs/Committee Action:

A CBO estimate was not available at press time.

The Transportation and Infrastructure Committee reported the bill by voice vote on April 11, 2000.



Eric Hultman, 226-2304

Alternative Water Sources Act of 1999

H.R. 1106

Committee on Transportation & Infrastructure

H.Rept. 106-____

Introduced by Ms. Fowler and Ms. Thurman on March 11, 1999

Floor Situation:

The House is scheduled to consider H.R. 1106 on Thursday, May 4, 2000. The Rules Committee is scheduled to meet on the bill at 5:00 p.m. on Tuesday, May 2. Additional information on the rule and any amendments made in order will be faxed to all Republican offices in *FloorPrep* prior to floor consideration.

Summary:

H.R. 1106 authorizes \$75 million per year for FYs 2000-2004 (with a non-federal cost share of 50 percent) for the Administrator of the Environmental Protection Agency to provide grants for alternative water source projects to state, interstate, intrastate water resource development agencies, local government agencies and other entities that have authority under state law to develop or provide water for municipal, industrial, or agricultural uses in areas experiencing critical water supply needs. This bill makes all states and territories eligible for the new funds. However, the measure prohibits the funding of a project under this Act if the project has received funding under the Bureau of Reclamation's water reclamation and reuse program authorized in the 1992 Reclamation Projects Authorization and Adjustment Act. The bill also requires the Administrator to consider whether a project is eligible under the Bureau of Reclamation's program when selecting projects for grants under this measure. Additionally, the bill requires approval by a resolution of the House Committee on Transportation and Infrastructure or the Senate Committee on Environment and Public Works for any projects where the federal share of costs exceeds \$3 million.

Also, grants may not be used for planning, feasibility studies or for operation, maintenance, replacement, repair, or rehabilitation. Finally, the bill requires the Administrator to report to Congress on progress made toward meeting the critical water supply needs of grant recipients.

Background:

Across the country there is an increasing demand for water for urban development, agriculture, and environmental uses. Current water supplies are adequate for many states, however in high growth areas the traditional sources of water are no longer sufficient to meet the demand. Ground water pumping has caused lower aquifer levels and resulted in the lowering of water quality and environmental damage. In some parts of the country the increased use of surface water has resulted in reduced water flow in rivers and streams. If current trends continue, especially in Florida and other states, demand is expected to exceed supplies by 2020. This will lead to serious economic and environmental impacts. Current and projected water use will likely impact natural systems such as wetlands and surface waters, cause increased

saltwater intrusion in costal areas, reduce groundwater levels and spring flows, and create more competition among current users.

Currently, there is no funding source for local governments to fund alternative water resource development projects in states outside of those 33 states that are eligible for funding under the Bureau of Reclamation. Recent increased usage of water due to business and population growth has caused many communities to explore alternative water supplies through reclamation, reuse, and conservation.

The 1992 Reclamation Projects Authorization and Adjustment Act authorized the Bureau of Reclamation to conduct appraisal investigations, feasibility studies, and research regarding water reclamation and reuse projects, and to construct operate, and maintain cooperative demonstration projects for water reclamation and water reuse projects (with a 75 to 50 percent non-federal cost share). However, this program is limited to only 17 western states and four territories.

Costs/Committee Action:

CBO estimates that implementing this legislation will cost \$256 million over FYs 2000-2005. The bill does not affect direct spending or receipts so pay-as-you-go procedures do not apply.

The Transportation & Infrastructure Committee reported the bill by voice vote on April 11, 2000.



Brendan Shields, 226-0378